



TOWN OF LOS GATOS

PLANNING COMMISSION MEETING

ACTION MINUTES

TOWN COUNCIL CHAMBERS

110 E. MAIN STREET

WEDNESDAY, DECEMBER 14, 2005 -- 7:00 P.M.

Please refer to compact disk # 12-14-05 to hear the entire proceedings of this meeting.

ROLL CALL:

Present: Michael Burke, Chair; Phil Micciche, Vice Chair; John Bourgeois, D. Michael Kane, Thomas O'Donnell, Lee Quintana and Joanne Talesfore

Absent: None

Others: Community Development Director Bud Lortz, Assistant Community Development Director Randy Tsuda, Assistant Planner Vy-Bang Nguyen, Associate Planner Sandy Baily, Associate Civil Engineer Fletcher Parsons and Town Attorney Orry Korb

VERBAL COMMUNICATION

Ray Davis Commented on issues of Planned Developments in Town and that the Commission didn't ask enough of the applicant on the Shady Lane project.

APPROVAL OF MINUTES

November 9, 2005 (6:00 p.m.), November 9, 2005 (8:00 p.m.) and November 15, 2005 (Special Meeting) - Motion by Commissioner Micciche and seconded by Commissioner Kane to approve all 3 sets of meeting minutes. Passed unanimously.

CONSENT CALENDAR

CONTINUED PUBLIC HEARING

ITEM 1 Adopt proposed meeting schedule for 2006

Motion by Commissioner Quintana and seconded by Commissioner Talesfore to adopt the proposed meeting schedule for 2006.

NEW PUBLIC HEARINGS

ITEM 2 **226 Jackson Street**
Architecture and Site Application S-06-13

Requesting approval to construct an addition to a single family residence which exceeds the allowable Floor Area Ratio on property zoned R-1:10. APN 529-35-048

PROPERTY OWNER/APPLICANT: Gregory and Leandra Martin

PUBLIC TESTIMONY by Gregory Martin

MOTION: Motion by Commissioner Talesfore and seconded by Commissioner O'Donnell to approve Architecture and Site Application S-06-13. The required findings were made as noted in Exhibit A of report dated December 8, 2005 and the application incorporated the conditions as noted in Exhibit B of report dated December 8, 2005.

Motion carried 7-0 for approval.

Appeal rights recited by Mr. Korb.

ITEM 3 **111 Andre Court**
Architecture and Site Application S-06-19

Requesting approval to construct a second story addition on property zoned R-1:8:PD APN 529-20-061.

PROPERTY OWNER: Peter Noymer

APPLICANT: Michelle Kusanovich

PUBLIC TESTIMONY by Peter Noymer and Michelle Kusanovich

MOTION: Motion by Commissioner Micciche and seconded by Commissioner O'Donnell to approve Architecture and Site Application S-06-19. The required findings were made as noted in Exhibit A of report dated December 8, 2005 and the application incorporated the conditions as noted in Exhibit B of report dated December 8, 2005.

Motion carried 7-0 for approval.

Appeal rights recited by Mr. Korb.

ITEM 4 **Fawndale Road (Barn Site)**
Negative Declaration ND-06-03
Architecture and Site Application S-04-30

Requesting approval to demolish a barn and detached garage and to construct a new single family residence on property zoned prezoned HR-5. No significant environmental impacts have been identified as a result of this project, and a Negative Declaration is recommended. APN 537-19-022
PROPERTY OWNER: Donald Perrucci
APPLICANT: TS/Civil Engineering, Inc

Fawndale Road (Tank Site)
Negative Declaration ND-06-02
Architecture and Site Application S-04-14

Requesting approval to construct a new single family residence on property prezoned HR-5. No significant environmental impacts have been identified as a result of this project, and a Negative Declaration is recommended.
APN 537-20-021.
PROPERTY OWNER: Donald Perrucci
APPLICANT: TS/Civil Engineering, Inc.

PUBLIC TESTIMONY by Terry Szewczyk, Ken Anderson, Bert Johnson, Luke Stamos, James Benson, Maynard Guderian, Michael Goldberg, Mardi Brick, Francis Stutzman, Stephen Hager and Ray Davis.

MOTION: Motion by Commissioner Kane and seconded by Commissioner Micciche to approve the Negative Declaration N-06-03 and Architecture and Site Application S-04-30 (Barn Site) and Negative Declaration ND-06-02 and Architecture and Site Application S-04-14 (Tank Site). The required findings were made as noted in Exhibit I (both projects) of report dated December 7, 2005 and the applications incorporated conditions as noted in Exhibit J (Barn Site) and Exhibit K (Tank Site) of report dated December 7, 2005 with the following added conditions:

Exhibit J/Barn Site:

18. **DISCLOSURE.** Prior to the issuance of a building permit, a deed restriction prepared by the Town, shall be recorded by the applicant with the Santa Clara County Recorder's Office, that discloses to all successors and assigns of the owner(s), that there is a horse arena on a nearby parcel (APN 537-20-022).
19. **MUTUAL AGREEMENT.** Every reasonable effort shall be made by the Perrucci's and the Johnson's to come to a mutually agreeable house design (which may include reduction of floor area, footprint modifications and increase in distance between the proposed house and existing horse arena), providing an agreement is reached for a shared driveway.

76. **DRIVEWAY WIDENING.** The developer shall strategically widen Fawndale Road, with minimal grading and retaining walls, provided that all affected property owners are agreeable to providing an easement (if necessary) and allowing the construction for the widening.

Exhibit K/Tank Site:

19. **DISCLOSURE.** Prior to the issuance of a building permit, a deed restriction prepared by the Town, shall be recorded by the applicant with the Santa Clara County Recorder's Office, that discloses to all successors and assigns of the owner(s), that there is a horse arena on the adjacent parcel (APN 537-20-022).
20. **MUTUAL AGREEMENT.** Every reasonable effort shall be made by the Perrucci's and the Johnson's to come to a mutually agreeable house design (which may include reduction of floor area, footprint modifications and increase in distance between the proposed house and existing horse arena), providing an agreement is reached for a shared driveway.
75. **DRIVEWAY WIDENING.** The developer shall strategically widen Fawndale Road, with minimal grading and retaining walls, provided that all affected property owners are agreeable to providing an easement (if necessary) and allowing the construction for the widening.

Motion carried 5-2 to approve with Commissioners Quintana and Bourgeois dissenting.

Appeal rights recited by Mr. Korb.

ITEM 5 **235 W. Main Street**
Negative Declaration ND-05-06
Subdivision Application M-05-10
Architecture and Site Application S-05-118

Requesting approval to demolish a 33-unit motel (Village Inn), construct a new office building and to subdivide the building into eight office condominiums on property zoned C-2. No significant environmental impacts have been identified as a result of this project, and a Mitigated Negative Declaration is recommended.
APN 510-45-010.

PROPERTY OWNER: Melinda Martin

APPLICANT: Joe Colonna/Norwest Holdings, LLC

PUBLIC TESTIMONY by Joe Colonna, Matthew Mingrone, Kelly Greenwood, Sue Sermone, Michael Frangidakis and Athena Pugliese.

MOTION: Motion by Commissioner Talesfore and seconded by Commissioner Bourgeois to approve Negative Declaration ND-05-06, Subdivision Application M-05-10 and Architecture and

Site Application S-05-118. The required findings were made as noted in Exhibit B of report dated December 8, 2005 and incorporated conditions as noted in Exhibit C of report dated December 8, 2005 with the modifications as noted below:

13. **DEED RESTRICTION:** Prior to issuance of a building permit, a deed restriction shall be recorded by the applicant with the Santa Clara County Recorder's Office that states the restrictions on medical office use (refer to conditions #12, #48 and #49) **and that employees are strongly encouraged to park in the south side parking lot or the public parking lot adjacent to the Post Office.**
14. **SCREEN TREES.** The tree screening along the rear property line shall be reviewed and modified as necessary to provide adequate screening for adjacent residents to the satisfaction of the Director of Community Development, with input from the applicant and affected neighbors.
15. **TILE ROOF AND ACCENTS.** The tile roof and accents shall have an aged appearance to the satisfaction of the Director of Community Development.
46. **SEWER LINE.** The applicant shall provide an easement for the sewer line for the abutting residential property at 42 Broadway. The sewer line shall not be located beneath the new building, and shall be relocated if necessary.

Motion carried 5-2 with Commissioners Kane and Quintana dissenting.

Appeal rights recited by Mr. Korb.

Motion by Commissioner Micciche and seconded by Chair Burke to continue the meeting after 11:00 p.m. Passed unanimously.

ITEM 6 Election of Chair and Vice Chair for January 1, 2006 - December 31, 2006.

Motion by Chair Burke and seconded by Commissioner O'Donnell to nominate Commissioner Micciche as chair and Commissioner Talesfore as vice chair. Motion carried 6-1 with Commissioner Quintana dissenting to vote for chair.

CONTINUED OTHER BUSINESS - None

NEW OTHER BUSINESS

Sub-Committee Reports - None

Report from Director of Community Development - Mr. Lortz commented that the Council decided to make no changes to the review process contained in the existing Alcohol Policy.

Council Matters

Commissioner Burke commented on the need to look at parking issues for office buildings in Town.

ADJOURNMENT

Chair Burke adjourned the meeting at approximately 11:05 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION
December 14, 2005

Michael Burke, Chair

APPROVED AS TO FORM AND ATTEST:

Randy Tsuda
Assistant Director of Community
Development

Bud N. Lortz
Director of Community Development